

Notice of Allowability

Application No.

09/707,185

Examiner

Nicholas D. Rosen

Applicant(s)

TILEY ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of September 15, 2005.
2. ☒ The allowed claim(s) is/are 1,2,4-10,12-18 and 20-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Claims 1-2, 4-10, 12-18, and 20-53 have been examined.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney James Porcelli on November 23, 2005.

The application has been amended as follows:

In claim 1, part (b), "permitting the purchaser to select one of those retail outlets" is hereby amended to read "**accepting from the purchaser a selection of one of those retail outlets**".

In claim 9, part (d), "permitting the purchaser to select one of those retail outlets" is hereby amended to read "**accepting from the purchaser a selection of one of those retail outlets**".

In claim 17, part (j), "permitting the purchaser to select one of those retail outlets" is hereby amended to read "**accepting from the purchaser a selection of one of those retail outlets**".

In the second line of claim 26 (preamble), "remote location" is hereby amended to read "**a remote location**". In claim 26, part (c), "permitting the purchaser to select

Art Unit: 3625

one of those retail outlets" is hereby amended to read **"accepting from the purchaser a selection of one of those retail outlets"**.

In the second line of claim 39 (preamble), "store" is hereby amended to read, "retail outlet". In claim 39, part (b), "permitting the purchaser to select one of those retail outlets" is hereby amended to read **"accepting from the purchaser a selection of one of those retail outlets"**. In claim 39, part (c), both instances of "store" are hereby amended to read **"retail outlet"**. In claim 39, part (d), both instances of "store" are hereby amended to read **"retail outlet"**. In claim 39, part (e), "store" is hereby amended to read **"retail outlet"**.

In claim 42 (third line), "store" is hereby amended to read **"retail outlet"**.

In claim 44 (third line), "store" is hereby amended to read **"retail outlet"**.

In the second line of claim 45 (preamble), "store" is hereby amended to read **"retail outlet"**. In claim 45, part (b), both instances of "store" are hereby amended to read **"retail outlet"**. In claim 45, part (c), both instances of "store" are hereby amended to read **"retail outlet"**. In claim 45, part (d), "store" is hereby amended to read **"retail outlet"**.

In claim 52, "the administrator" is hereby amended to read **"an administrator"**.

In claim 53, "the administrator" is hereby amended to read **"an administrator"**.

Allowable Subject Matter

Claims 1, 2, 4-8, and 49-53 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Walker et al. (U.S. Patent 6,754,636), discloses a method of inducing a purchaser to visit a retail outlet at a remote location upon the purchase of a product from to pick up the product (although in Walker the purchase is made from the retail outlet, not from a separate supplier), the method comprising: identifying to the purchaser, through a computer, at least one benefit offered by at least one retail outlet to visit a retail outlet, but does not disclose that at least one benefit from each of the retail outlets is customized based upon information about the purchaser provided prior to the pick up the of product. O'Brien et al. (U.S. Patent 5,832,457) teaches receiving information about a customer, and customizing the distribution of discount coupons on that basis, but this is not quite the same, and is in a different context; and no other prior art of record makes up the deficiencies of Walker and O'Brien.

The PackageNet web site discloses a method of inducing a purchaser to visit a retail outlet at a remote location for product pickup based on such benefits as convenient location, but not to select a particular retail outlet where at least one benefit from each of the retail outlets is customized based upon information about the purchaser provided prior to the pick up the of product.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 9, 10, and 12-16 are allowed.

Claims 17, 18, and 20-25 are allowed.

Claims 26-38 and 48 are allowed.

Claims 39-44 are allowed.

Claims 45-47 are allowed.

The following is an examiner's statement of reasons for allowance: Independent claims 9, 17, 26, 39, and 45 each recite limitations parallel to those on which claim 1 is found allowable, and are therefore allowable for at least the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Djupsjöbacka et al. (U.S. Patent 6,954,735) disclose a method and system of shopping with a mobile device to purchase goods and/or services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 571-272-7159. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762, or e-mailed to Nicholas.Rosen@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen

**NICHOLAS D. ROSEN
PRIMARY EXAMINER**

November 23, 2005